

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

FILED
CHARLOTTE, NC

JAN 21 2016

US DISTRICT COURT
WESTERN DISTRICT OF NC

_____)	DOCKET NO. 1:16-cr-00006
UNITED STATES OF AMERICA)	
)	<u>BILL OF INDICTMENT</u>
v.)	
)	
)	Violations:
BENJAMIN ERNEST JOHNSON)	18 U.S.C. §§ 2251(a) and (e)
)	18 U.S.C. § 2252A(a)(1)
)	18 U.S.C. § 2252A(a)(5)(B)
_____)	18 U.S.C. § 2422(b)

THE GRAND JURY CHARGES:

COUNT ONE

From on or about February 26, 2014 through on or about February 28, 2014,
in Buncombe County, within the Western District of North Carolina and
elsewhere,

BENJAMIN ERNEST JOHNSON

did employ, use, persuade, induce, entice, and coerce and did attempt to employ,
use, persuade, induce, entice, and coerce a minor to engage in sexually explicit
conduct for the purpose of producing a visual depiction of such conduct, which
visual depiction was produced using materials that had been mailed, shipped, and
transported in interstate and foreign commerce, and **BENJAMIN ERNEST
JOHNSON** knew such visual depiction would be transported and transmitted
using any means and facility of interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 2251(a).

COUNT TWO

From on or about February 26, 2014 through on or about February 28, 2014, in Buncombe County, within the Western District of North Carolina and elsewhere,

BENJAMIN ERNEST JOHNSON

did knowingly persuade, induce, entice, and coerce, and did knowingly attempt to persuade, induce, entice and coerce an individual whom he believed to not yet have attained the age of 18 years, to engage in any sexual activities for which a person could be charged with criminal offenses, those crimes including employing and using a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct in violation of Title 18 United States Code § 2251(a) and in so doing used a facility and means of interstate and foreign commerce.

All in violation of Title 18, United States Code, Section 2422(b).

COUNT THREE

From on or about February 26, 2014 through on or about February 28, 2014, in Buncombe County, within the Western District of North Carolina and elsewhere,

BENJAMIN ERNEST JOHNSON

knowingly received and attempted to receive child pornography, as defined in Title 18, United States Code, Section 2256(8), that has been mailed, and that has been shipped and transported using any means and facility of interstate and foreign commerce, and that has been shipped and transported in and affecting interstate and foreign commerce, by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

COUNT FOUR

From on or about February 26, 2014 through on or about February 28, 2014, in Buncombe County, within the Western District of North Carolina and elsewhere,

BENJAMIN ERNEST JOHNSON

knowingly possessed any material that contained an image of child pornography, as defined in Title 18, United States Code, Section 2256(8)(A), that has been mailed, and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any

means, including by computer, and that was produced using materials that have been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer.

All in violation of Title 18, United States Code, Section 2252A(a)(5)(B).

NOTICE OF FORFEITURE

Notice is hereby given of 18 U.S.C. § 2253. The following property is subject to forfeiture in accordance with Section 2253:

- a. Any visual depiction or book, magazine, periodical, film, videotape, or other matter which contains any such depiction, which was produced, transported, mailed, shipped, or received during the violations set forth in this bill of indictment;
- b. Any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from proceeds of the violations;
- c. Any property, real or personal, used or intended to be used to commit or promote the violations; and
- d. If, as set forth in 21 U.S.C. § 853(p), any property described in (a), (b), or (c) cannot be located upon the exercise of due diligence, has been transferred or sold to, or deposited with, a third party, has been placed beyond the jurisdiction of the court, has been substantially diminished in value, or has been commingled with other property which cannot be divided without difficulty, all other property of the defendant/s to the extent of the value of the property described in (a), (b) and (c).

The following property is subject to forfeiture on one or more of the grounds stated above:

A Samsung Galaxy SIII Cellular Phone.

A TRUE BILL:

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY

Grand Jury Foreperson


DAVID A. THORNELOE
ASSISTANT UNITED STATES ATTORNEY